

II); claims directed to a monoclonal antibody against 4-1BB that recognizes an epitope on the extracellular domain of 4-1BB, and a hybridoma which produces such an antibody (claims 9-12; Group III); and claims directed to a method of enhancing T cell proliferation or activation, or inducing B cell proliferation, with a monoclonal antibody against 4-1BB that recognizes an epitope on the extracellular domain of 4-1BB (claims 13-16 and 21; Group IV).

In particular, claims directed to a DNA encoding murine 4-1BB (claims 1-3, 22 and 28-30; Group I) are clearly related to a method to detect murine 4-1BB nucleic acid in a biological sample which employs a probe comprising at least a portion of the DNA of claim 1 or 22, claims which are assigned to Group 1 (claims 23-27; Group V). Linking claims must be examined with the invention elected, and should any linking claim be allowed, the Restriction Requirement must be withdrawn. M.P.E.P. 809.

The Restriction Requirement is also traversed on the basis that restriction requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. In light of this, it is submitted that Applicant should not be required to incur the additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter. For example, it is respectfully submitted that the claims of Group I and Group V can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner.

Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 08/012,269

Filing Date: February 1, 1993

Title: MURINE 4-1BB GENE (as amended)

Page 3

D.t.: 740.009US1

The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

BYOUNG KWON,

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6959

Date

July 20, 2000

By

Janet E. Embretson

Janet E. Embretson

Reg. No. 39,665

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, Washington, D.C. 20231 on July 20, 2000.

Name

Dawn M. Hale

Signature

Dawn M. Hale